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Mary Chen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Andrew L. FELDHAUS

Serial No.: To Be Assigned

Filing Date: Herewith

For: TRANSCRIPTIONALLY-ACTIVATED AAV
INVERTED TERMINAL REPEATS (ITRS)
FOR USE WITH RECOMBINANT AAV
VECTORS

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

PRELIMINARY AMENDMENT

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Prior to examination, Applicants wish to enter the following preliminary amendments to incorporate cross-reference to related applications and to eliminate multiple claim dependencies and reduce the overall claim number prior to calculation of the fees.

AMENDMENTS

In the specification:

On page 1, line 12, after the title of the invention, please insert the following paragraph:

--CROSS-REFERENCE TO RELATED APPLICATIONS

--This application is a continuation of U.S. Serial No. 09/171,759, filed October 20, 1998 which is the U.S. National Phase of international application PCT/US98/21937, filed herewith on 20 October 1998, which claims priority to U.S. provisional application 60/108,162 (converted from U.S. Serial No. 08/955,400), which was filed 21 October 1997.--

In the claims:

Please amend Claims 28, 30 and 31 as follows, to eliminate the multiple dependencies, without prejudice or disclaimer:

28. (Amended) A polynucleotide according to claim 1 further comprising a gene operably linked to the transcriptionally-activated ITR.

30. (Amended) An AAV viral particle comprising a polynucleotide of claim 1.

31. (Amended) A mammalian cell comprising a polynucleotide according to claim 1, wherein said polynucleotide is stably integrated into a chromosome of said cell.

REMARKS

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

Applicants make these Preliminary Amendments prior to examination and without prejudice or disclaimer of any excluded subject matter, and expressly reserve the right to pursue such subject matter in this application or in one or more continuing applications.

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this transmittal and associated documents, or to credit any overpayment to Deposit Account No. 03-1952.

Respectfully submitted,

Dated: July 18, 2001

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

At page 1, line 12, under the title, a new paragraph has been added.

In the Claims:

Claims 28, 30 and 31 have been amended as follows:

28. (Amended) A polynucleotide according to [any of the previous claims] claim 1 further comprising a gene operably linked to the transcriptionally-activated ITR.

30. (Amended) An AAV viral particle comprising a polynucleotide of [any of the previous claims] claim 1.

31. (Amended) A mammalian cell comprising a polynucleotide according to [any of claims 1 to 29] claim 1, wherein said polynucleotide is stably integrated into a chromosome of said cell.